

**REMARKS**

Claims 1-25 are pending.

The Examiner is thanked for the indication that claims 7-12 and 20-29 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, for the reasons set forth below, claims 7-12 and 20-29 have not been rewritten in independent form at this time.

The Office Action rejected claims 1-6 and 13-19 under 35 U.S.C. §102(e) as being anticipated by Kim et al. (hereinafter "Kim"), U.S. Patent No. 6,922,802. The rejection is respectfully traversed.

The Office Action asserts that:

Kim et al. discloses the invention as claimed. Figs. 1-10 show the system for reproducing replacement data stored on a spare [area] assigned to a disc having the steps and means for: reading replacement data from a spare area of the disc (see elements 40, 50, 60, 80 and 90, and column 6, lines 35-60, that describes reading the replacement data which represents the PDL and SDL from the spare area of the optical disk); storing the replacement data (in the PDL section memory 70a, and SDL-section memory 70c); and if there is a defect area, then reproducing the stored replacement data corresponding to the detected defect area (column 6, line 53–column 7, line 17), as set forth in claims 1-6 and 13-19.

However, Kim discloses a method for creating defect management information in a recording medium, and an apparatus and optical disc based on the method. Kim disclosed a memory 70 which includes a PDL memory 70a, a T-PDL memory 70b, and a SDL memory 70c. The PDL memory 70a, T-PDL memory 70b, and the SDL memory 70c store, respectively, a primary defect list, a secondary defect list, and a temporary defect list, which are physical addresses of

defective sectors. See, for example, col. 6, lines 40-41, lines 53-59; col. 7, lines 11-27, 30-44, 57-59 of Kim. There is no disclosure or suggestion of storing replacement data read from a spare area of the disk, and if there is a defect area detected while reproducing data recorded in the data area of the disk, then reproducing at least a part of the stored replacement data corresponding to the detected defect data, as recited in independent claim 1, or of the corresponding means recited in independent claim 13 or the claimed pick up head and disc player unit recited in independent claim 14. The only "replacement data" referred to by Kim are replacement EC blocks stored on the spare area of the optical disk. See, for example, col. 6, lines 66-col. 7, line 3; col. 8, lines 49-52; col. 9, line 29-33 of Kim.

Accordingly, Kim fails to disclose or suggest all of the claimed features of independent claims 1, 13, and 14, or the respective claimed combinations. Thus, the rejection of independent claims 1, 13, and 14 over Kim should be withdrawn. Dependent claims 2-6 and 15-19, as well as objected to claims 7-12 and 20-25, are allowable over Kim at least for the reasons discussed above with respect to independent claims 1 and 14, from which they respectively depend, as well as for their added features.

### **CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

Serial No. 10/760,538  
Reply to Office Action dated December 26, 2006

Docket No. LT-0047

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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